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Letter dated 24 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 22 July 2002 (S/2002/813).

The Counter-Terrorism Committee has received the attached supplementary report from Trinidad and Tobago submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-66358 (E) 041102

Annex

Letter dated 24 September 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Trinidad and Tobago to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to refer to your letter of 24 June 2002 in which you highlighted the areas of the report of the Government of the Republic of Trinidad and Tobago submitted pursuant to paragraph 6 of resolution 1373 (2001) about which the Counter-Terrorism Committee had requested further information.

I now transmit herewith the supplementary report of the Government of the Republic of Trinidad and Tobago for the consideration of the Counter-Terrorism Committee (see enclosure).

I wish to assure you of the commitment of the Government of the Republic of Trinidad and Tobago to working with you and the Committee to do our part to eradicate terrorism from our world.

(*Signed*) David **Edghill**
Chargé d'affaires, a.i.

Enclosure

The Republic of Trinidad and Tobago

Supplementary report of the Republic of Trinidad and Tobago to the United Nations Counter-Terrorism Committee in relation to resolution 1373 (2001)*

QUERY:

Sub-paragraph 1 (a):

- The CTC would welcome:
  - a copy of, or an internet reference to, the proposed Anti-Terrorism Bill; and
  - a progress report on its enactment and implementation.

RESPONSE:

Unfortunately, the Anti-Terrorism Bill of Trinidad and Tobago has not yet been put on the Internet. As soon as this is done CTC will be informed of the website.

The Bill has been prepared and is currently being streamlined. The Bill will be one of the matters which will be laid in Parliament for approval whenever that Body convenes in the future.

The proposed Anti-Terrorisms Bill contains many stringent provisions and is based on the United Nations Security Council Resolution 1372 (2001) of September 28, 2002. The Government of Trinidad and Tobago will shortly give the final approval on the draft legislation before it is laid in Parliament.

The Government may consider other legislation in the CARICOM region and, will consider making appropriate adjustments to the present draft Bill prior to laying it in Parliament.

* The enclosures are on file with the Secretariat and are available for consultations.

QUERY:

Sub-paragraph 1 (c)

- Which are the offences, apart from drug-trafficking, in respect of which restraint orders for the freezing of assets may currently be made under the Proceeds of Crime Act, 2000?

RESPONSE:

Freezing of Assets under the Proceeds of Crime Act, 2000 for Offences other than Drug Trafficking

The Proceeds of Crime Act, 2000 provides for the restraint and freezing of assets that are obtained from the commission of a specified offence. A specified offence is defined as an indictable offence (serious offence) or an offence specified in the Second Schedule. The Second Schedule refers to certain offences under the Income Tax Act, the Value Added Tax Act and the Copyright Act. Please see attached copy of 2nd Schedule.

QUERY:

Sub-Paragraph 1 (d)

- Is there any provision in the current law of Trinidad and Tobago or in the proposed Anti-Terrorism Bill dealing with the following matters;

  - a requirement for financial institutions, other intermediaries (e.g. lawyers) and other natural or legal persons to report suspicious transactions to the relevant authorities;

  - controls and surveillance measures to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purposes, particularly for financing terrorism;

  - regulation of alternative remittance systems, including systems of, or similar to, the kind known as hawala.

RESPONSE:

Mechanisms in the Proposed Anti-Terrorism Bill

The Financial Obligations Regulations, which are awaiting introduction into Parliament, require financial institutions to report suspicious transactions to the Designated Authority.

The Terrorism Bill will provide for controls and surveillance measure to monitor the diversion of funds for financing terrorism.

A policy directive is at present being awaited with respect to the legislation.

QUERY:

Sub-paragraph (2) (a):

- Will provision be made in the proposed Anti-Terrorism Bill to prevent descriptive activities such as:
  - recruitment based on a representation to the recruit that the purpose of the recruitment is one (e.g. teaching) different from the true purpose; and
  - collection of funds through front organizations?

RESPONSE:

Prevention of Deceptive Activities in the Proposed Anti-Terrorism Bill

The Military Training Prohibition Act prohibits recruitment of individuals by unauthorized bodies for military or Para-military training. Recruitment for the ultimate purpose of terrorism will be prohibited and punishable under the Anti-Terrorism Bill.

OPERATIVE PARAGRAPH 2
Sub-paragraph (b)

- Please describe the mechanism for inter-agency coordination between the authorities responsible for narcotics, financial tracking and security, in particular with regard to border controls to prevent the movement of terrorist groups.

RESPONSE:

The National Security Council Secretariat (NSCS) was created to service the National Security Council and is responsible for coordination and tasking. NSCS oversees the production of threat assessment and advice for the NSC; the proposal of intelligence requirements and priorities to the NSC; the tasking of the work of the intelligence community and the co-ordination of daily meetings and briefings with the Heads of relevant Agencies and Departments within the Ministry of National Security.

The Joint Operations Coordinating Centre (JOCC) is responsible for the coordination of operations in response to joint intelligence.

It should be noted that Trinidad and Tobago, being an island, does not share land borders with any territory. At the southern most part of the island we share territorial waters with Venezuela. The districts of Cedros and Icacos, which are situated in the county of St. Patrick, are approximately seven nautical miles from the coast of Venezuela

There is a security complex building at Cedros which houses a Coast Guard base, Immigration and Customs offices. The Coast Guard has the role of carrying out marine surveillance in all the southern most areas. However, being an island state, marine surveillance around the island requires a number of serviceable Coast Guard vessels, which is not always possible. The Coast Guard is responsible for the marine surveillance in the waters of Trinidad and Tobago.

QUERY:

Please describe the mechanism available in Trinidad and Tobago to provide early warning of anticipated terrorist activity to other States.

RESPONSE:

At present, Trinidad and Tobago, through its Security Intelligence Agency, maintains active regional and international liaison relations with other States and selected agencies in more than fifty (50) countries worldwide. When there is an analysis of anticipated terrorist activity, information will be transmitted by the SIA via secure facsimile or electronic mail to the liaison contact in the targeted State.

QUERY:

Sub- Paragraph 2 (e):

- What is the competence of the courts of Trinidad and Tobago to deal with criminal acts of each of the following kinds:

  - an act committed outside Trinidad and Tobago by a person who is a citizen of, or habitually resident in, Trinidad and Tobago (whether that person is currently present in Trinidad and Tobago or not);

  - an act committed outside Trinidad and Tobago by a foreign national who is currently in Trinidad and Tobago.

RESPONSE:

Competence of Courts in Trinidad and Tobago

The primary basis of Trinidad and Tobago's criminal jurisdiction is territorial, which follows from the English criminal jurisdiction. Therefore, apart from any statutory exceptions, the courts are not concerned with any conduct abroad. This means that the courts do not intend to make any conduct taking place outside the territorial jurisdiction of Trinidad and Tobago an offence triable in the courts of Trinidad and Tobago.

It must be noted however where an offence is committed abroad, but it results in harmful consequences to Trinidad and Tobago, the courts may have jurisdiction over the offender. This was established in **Liangsiriprasert v United States Government and another [1990] 2 All. ER 867,** where it was held: "There was nothing in precedent, comity or good sense which prevented the common law from being regarding as justiciable in England inchoate crimes committed abroad which were intended to result in the commission of criminal offences in England since an overt act was not necessary to found the jurisdiction and to wait until some overt act was performed in pursuance of the conspiracy would defeat the preventative purpose of the crime of conspiracy. Accordingly, a conspiracy entered into abroad to commit a crime in England was a common law crime triable in England."

However under extradition laws, a country in which a crime was committed may make a request to have the offender extradited to that country to stand trial.

Under the Extradition (Commonwealth and Foreign Territories) Act 1985, a person who has committed an extraditable offence and has been located in Trinidad and Tobago may be arrested in accordance with the provisions of the Act and be returned to the declared Commonwealth or Foreign Territory.

QUERY:

Sub-paragraph 2 (f):

- What is the legal time frame within which a request for judicial assistance in criminal investigations or criminal proceedings (especially those relating to the financing or other support of terrorist acts) must be met and how long, on average, does it actually take in practice to implement such a request in Trinidad and Tobago?

RESPONSE:

Legal Time Frame for Judicial and Investigate Assistance

Mutual Legal Assistance requests are answered with a time frame of four to six weeks (4 - 6 weeks). This is however, dependent on the nature of the request and the intensity of the investigations required.

QUERY:

Sub-Paragraph 2 (g)

- The CTS would welcome a progress report on the action taken to overcome the deficiencies in border control mentioned in the report.

- What measures have been taken to prevent the counterfeiting, forgery or fraudulent use of identity papers and travel documents (as distinct from the punishment of persons who do so)?

RESPONSE:

COUNTERFEIT/FORGERY/FRAUDULENT USE OF IDENTITY PAPERS/TRAVEL DOCUMENTS

A new type of Trinidad and Tobago passport was introduced in February 1994. This new type passport has many security features:

- Bio-data page is now laminated
- Built-in features in pages e.g. coat of arms are integrated into the pages which shows up under Ultra Violet light
- Special thread is used to stitch the pages which reacts under Ultra Violet light
- Passport number is now perforated on all pages.

With the introduction of the new type of Trinidad and Tobago passport all airline personnel involved in the processing of passengers were exposed to some form of training highlighting the security features of this passport. Police Officers of the Organized Crime and Narcotics Unit (OCNU) at Piarco International Airport also underwent training sessions.

The new Trinidad and Tobago passport did not eliminate the incidents of altered Trinidad and Tobago passports as several cases have been detected, e.g.

(a) Photo substitution

(b) Page substitution

(c) Changes in bio-data

The use of fraudulent identity papers such as birth certificates and deed polls to obtain Trinidad and Tobago travel documents have dwindled as Immigration Officers have been more alert when examining these documents, particularly with regard to the signature to the signatures of the Registrar General or persons acting on his/her behalf. All applications to which Deed Polls attached are referred to the Registrar General's Department to verify that such documents were duly registered.

All applicants including those applying for passports on behalf of their children are required to appear in person. There have been no known cases of counterfeit Trinidad and Tobago passport.

As at 30/06/02 fifty one (51) cases of altered Trinidad and Tobago passports were brought to the attention of the Immigration Department at Piarco International Airport.

Hereunder are the statistical details

No. of Cases	Nationality of Persons/Cases		Types of Alterations
51	Guyanese	41	(a) Photo substitution
	Colombian	1	(b) Page substitution with U.S. Visa
	Trinidadian	9	(c) Change of bio-data

Immigration Officers have received training from the United States Department of State on International Travel Document Fraud Investigations. The last course was held in October 2001. One aspect of this course covered the identification of fraudulent types of passports a number of countries worldwide.

In addition, the course also dealt with the identification of counterfeit United States Resident Alien Cards.

QUERY:

OPERATIVE PARAGRAPH 3
Sub-Paragraph (a)

- Please provide a progress report on the review of international conventions and related legislation mentioned in relation to this sub-paragraph

RESPONSE:

A proposal is currently under consideration for the review of international conventions and related legislation. However, such an exercise has not commenced to date, except for the changes in the local legislation. The information requested will be provided as soon as this exercise has been completed.

QUERY:

Sub-paragraph 3 (c)

- Please confirm the CTC's understanding that the Extradition (Commonwealth and Foreign Territories) Act, 1985 applies on a non-treaty basis to Commonwealth countries but is dependent on treaties for its application to other countries.

- With which countries, apart from the United States of America, the United Kingdom and Canada, does Trinidad and Tobago have bilateral treaties on mutual assistance in criminal matters? Are any others in contemplation?

- Does Trinidad and Tobago plan to enter into extradition treaties with any countries apart from the United States of America?

CTC'S UNDERSTANDING OF EXTRADITION (COMMONWEALTH AND FOREIGN TERRITORIES) ACT 1985

Under the Extradition (Commonwealth and Foreign Territories) Act 1985, Part II of this act 3 (1) states "The Attorney General may, by order subject to the negative resolution of Parliament, declare a Commonwealth territory other than Trinidad and Tobago to be a Commonwealth Territory(hereinafter referred to as a declared Commonwealth Territory), in relation to which this act applies." Please note that in relation to relation to foreign territories, there must be a bilateral treaty which states the terms and conditions of extradition.

With the exception of those countries listed in the query, (U.S.A., United Kingdom and Canada), the Government of Trinidad and Tobago has not negotiated any other Mutual Assistance in Criminal Matters treaties. However it is anticipated that such treaties with Latin American countries especially, Venezuela, Colombia, Mexico and Costa Rica will be negotiated in the near future with Venezuela.

The Government of Trinidad and Tobago has recently concluded an Extradition Treaty with the Kingdom of the Netherlands. We are presently looking into establishing other extradition treaties with Colombia, Mexico, Costa Rica and Argentina.

Consideration is now being given to establishing extradition treaties with Colombia.

QUERY:

Sub-paragraph 3(d):

- The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Trinidad and Tobago in:

  becoming a party to the instruments to which it is not yet a party; and

enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.

RESPONSE:

REPORT ON INTERNATIONAL CONVENTIONS

The Anti-Terrorism Bill will fulfill Trinidad and Tobago's legislative obligations with respect to the relevant international conventions and protocols relating to terrorism. The Bill will be laid in Parliament at a future date.

The United Nations has identified twelve (12)International Conventions on Terrorism, which all States are being urged to sign and ratify. Trinidad and Tobago is a party to all of these conventions with the exception of the 1999 International Convention for the Suppression of the Financing of Terrorism. Accession by Trinidad and Tobago to the 1999 International Convention for the Suppression of the Financing of Terrorism is currently under review. As indicated in the reply given with respect to the implementation of Security Council Resolution 1373 of September 28, 2001, as soon as the relevant legislation is in place via the Anti-Terrorism Bill which seeks to provide the necessary measures to prevent and suppress terrorist acts, the 1999 Convention for the Suppression of the Financing of Terrorism will be signed and ratified.

Trinidad and Tobago is a party to the following Conventions:

i. International Convention against the Taking of Hostages acceded to 1st April 1981;

ii. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic agents acceded to on 15th June, 1979;

iii. International Convention for the Suppression of Terrorist Bombings, acceded to on 2nd April, 2001;

iv The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation concluded at Rome on 10th March, 1988 and acceded to on 27 July 1989;

v. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome 10th March, 1988 and acceded to on 27 July 1989;

vi. Convention on the Physical Protection of Nuclear Materials signed at Vienna on 3rd March, 1980, acceded 25th April, 2001;

vii. Convention on the Marking of Plastics Explosives for the purpose of Detection, acceded 19th March, 2001;

viii. Convention on Offences and Certain Other Acts Committee on Board Aircraft, signed at Tokyo on 14th September, 1963; ratified 9th February, 1972;

ix. Convention for the Suppression of Unlawful Acts against the safety of Civil Aviation, signed at Montreal on 23rd September 1971, ratified 9th February, 1972;

x. Convention for the Suppression for the Unlawful Seizure of Aircraft, signed at the Hague on 16th December, 1970, ratified 31st January, 1972;

xi. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving international Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on 24th February, 1988, ratified 3rd April, 2001.

In respect of those instruments, which require domestic legislation to give effect to international obligations arising under the respective conventions, the Chief Parliamentary Counsel has been given instructions to draft legislation as required.

QUERY:

Sub-paragraph 3 (e)

- Have the offences set forth in the relevant international conventions and protocols relating to terrorism been included as extraditable offences in the bilateral treaties to which Trinidad and Tobago is party?

RESPONSE:

INCLUSION OF OFFENCES FROM RELEVANT CONVENTIONS AS EXTRADITABLE OFFENCES

Once legislation has been passed making terrorism an extraditable offence in Trinidad and Tobago, all relevant international conventions and protocols will be included as extraditable offences in the bilateral treaties to which Trinidad and Tobago is party. The Anti-Terrorism Bill has been drafted and will be laid in Parliament shortly..

QUERY:

Sub-paragraph 3 (f):

Please provide:

- a copy, or an internet reference for, the proposed Refugee Status Bill; and
- a progress report on its enactment and implementation.

RESPONSE:

Trinidad and Tobago is unable at this time to provide a copy of, or Internet reference for the proposed Status of Refugees Bill because the Bill is still at the drafting stage. It is expected that the process will be completed by the end of December 2002. The resulting Act will then require presidential assent in order to have effect.

QUERY:

Sub-paragraph 3 (g)

- The CTC would welcome a progress report on the enactment of the proposed amendment of the Extradition Act designed to prevent claims of political motivation from being recognized as grounds for refusing a request for the extradition of an alleged terrorist.

RESPONSE:

PROPOSED AMENDMENT OF EXTRADITION ACT

Trinidad and Tobago has not been able to amend the Extradition Act, to allow for the prevention of political motivation, being recognized as grounds for refusing a request for the extradition of an alleged terrorist, due to the fact that Parliament has not met. Consequently, the Bill could not have been laid in Parliament. It is anticipated that this will done as soon as Parliament can be convened.

QUERY:

Paragraph 4

- Has Trinidad and Tobago addressed any of the concerns expressed in paragraph 4 of the Resolution?

RESPONSE:

CONNECTION BETWEEN INTERNATIONAL TERRORISM AND TRANSNATIONAL ORGANIZED CRIME

The concerns expressed in paragraph 4 of the Resolution are being addressed by Trinidad and Tobago, which has ratified the Untied Nations Convention Against Transnational Organized Crime. Trinidad and Tobago's Transnational Crime Bill will be placed on the Order Paper of the House of Representatives when Parliament is convened. Trinidad and Tobago is also taking steps towards signing the Protocol Against the Illicit Manufacturing and Trafficking in Firearms, their parts and Components and Ammunition.

QUERY:

Other matters

- Could Trinidad and Tobago please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws.

regulations and other documents that are seen as contributing to compliance with the Resolution.

RESPONSE:

There is not one organizational chart which would provide the information requested. Coordination with respect to compliance is normally undertaken through the relevant Inter-Ministerial Bodies or Inter-Agency Contacts or Committees.